



PATENT
Customer No. 22,852
Attorney Docket No. 06556.0003-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John POLK

Application No.: 09/975,241

Filed: October 12, 2001

For: METHOD AND APPARATUS FOR CHILD
PAYMENT PROCESSING AND CHILD
SUPPORT DISBURSEMENT
PROCESSING BY A PROCESSING
ENTITY

)
)
) Group Art Unit: 2161

)
) Examiner: E. Cosimano
)
)

Commissioner for Patents
Washington, DC 20231

Sir:

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SUPPLEMENTAL NOTICE OF RELATED LITIGATION

In accordance with 37 C.F.R. § 1.56, as clarified by § 2001.06(c) of the Manual of Patent Examining Procedure, Applicants have notified the Examiner that U.S. Patent No. 6,119,107 ("the '107 patent") and U.S. Patent No. 5,946,669 ("the '669 patent") are the subject of a litigation in the United States District Court for the District of Minnesota (Civ. Action No. 02-CV-1321 DWF/SRN) between Plaintiff Pay Child Support Online Inc and Defendant ACS State & Local Solutions, Inc.

In particular, Applicants filed a Notice of Related Litigation on September 20, 2002 with copies of Plaintiff's Complaint and Defendant ACS State & Local Solutions, Inc.'s Answer and Counterclaim. The copy of Plaintiff's Complaint contained an Exhibit F that was unintentionally missing some pages. To correct this, Applicants filed a

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second Notice of Related Litigation on October 11, 2002 with a complete copy of Exhibit F to the Plaintiff's Complaint. In an Information Disclosure Statement filed concurrently herewith, Applicants include copies of Plaintiff's Complaint and Defendant ACS State & Local Solutions, Inc.'s Answer and Counterclaim listed on a PTO form 1449 for the Examiner's express consideration.

By this Supplemental Notice of Related Litigation, Applicants now notify the Examiner of continuing developments in the ongoing litigation. Specifically, Plaintiff (joined by a Counter-Defendant) moved to dismiss Defendant's counterclaims, alleging among other things that the '107 and '669 patents are invalid under 35 U.S.C. § 102 and/or § 103 and unenforceable due to inequitable conduct. Plaintiff's allegations and comments are set forth in Plaintiff's Memorandum in Support of Plaintiff and Counter-Defendant's Motion to Dismiss, which is included in the Information Disclosure Statement filed concurrently herewith.

Defendant responded to these allegations, arguing that no basis exists for dismissing Defendant's counterclaims, including that there was no basis for the allegations of invalidity under 35 U.S.C. § 102 and/or § 103, and that there was no basis for the allegations of unenforceability due to inequitable conduct. Defendant ACS State & Local Solutions, Inc.'s Opposition to the Motion to Dismiss of Pay Child Support Online Inc and Daniel J. King is included in the Information Disclosure Statement filed concurrently herewith.

In a ruling on Plaintiff's and Counter-Defendant's Motion to Dismiss, the District Court denied the motion because, *inter alia*, the alleged invalidity of the '107 and '669 patents is not a fact that may be established for the purposes of a motion to dismiss.

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The court's Memorandum Opinion and Order is included in the Information Disclosure Statement filed concurrently herewith.

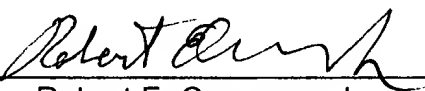
Applicants will continue to keep the PTO informed of further developments in this litigation.

If there is any fee due in connection with the filing of this Notice, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 12, 2002

By: 
Robert E. Converse, Jr.
Reg. No. 27,432

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